

JURISDICTION:

NEW MEXICO

General Reference:

This chapter summarizes New Mexico State statutes related to speed. New Mexico Statutes Annotated and New Mexico Administrative Code (NMAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

Speed shall be so controlled as to avoid colliding with any person or vehicle which is either on or entering the highway. All persons shall use due care.¹ 66-7-301(B)

Statutory Speed Limit:
See Other below.

75 MPH on highways 66-7-301(A)(3)
35 MPH in business and residential districts 66-7-301(A)(2)
15 MPH in a posted school zone² 66-7-301(A)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Highway and Transportation may increase to not >75 MPH or decrease the above speed limits on any highway within its jurisdiction.³ 66-7-303(A) & (B)
II. Based on engineering and traffic investigations and subject to approval by the State Secretary of Highway and Transportation, a local government, may increase or decrease the above speed limits on any highway within its jurisdiction. 66-7-304
III. Based upon investigations, the State Highway Commission may establish safe maximum speed limits for bridges and other elevated structures. 66-7-306(B) & (C)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. 66-7-305(A)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 66-7-308(B)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Highway Commission or a local government may establish minimum speed limits on a highway. 66-7-305(B)

Other:

I. The State or a local government may establish speed limits in construction zones. 66-7-303.1
II. A person shall not operate a motor vehicle that is equipped with solid rubber or cushion tires >10 MPH. 66-7-306(A)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Penalty Assessment Misdemeanors. 66-8-7(A) & 66-8-116(A)

Adjudication of Speed Law Violations:
(continued)

ee Careless Driving.

his speed limit is in effect when children are going to or leaving a school. 66-7-301(A)(1)

Note: New Mexico law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various we tions or for different times of the day.

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Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

\$10 to \$200⁴ 66-8-116(A)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

In lieu of a court appearance, an offender may elect to pay a **penalty assessment**.⁵ 66-8-116 For a penalty assessment, an offender is assessed additional fees to cover various costs.⁶ 66-8-116.3

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System based on frequent violation of the traffic laws⁷ 66-5-30(A)(3)⁸

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** 66-5-32

Mandatory Minimum Term of

an offender, who is cited for a penalty assessment misdemeanor, may elect to appear in court. In such cases, the fine imposed cannot exceed that established for an offender cited for a speeding violation. 66-8-116(A).

Penalty Assessments. The following monetary assessments are assigned for speeding violations: (1) Driving so as to impede traffic or not driving in the right lane or proceeding at the normal speed or traffic-\$10; (2) driving ≤ 10 MPH over the speed limit or exceeding other posted speed limits-\$15; (3) driving ≥ 11 to ≤ 15 MPH over the speed limit-\$30; (4) driving ≥ 16 to ≤ 20 MPH over the speed limit-\$65; (5) driving ≥ 21 to ≤ 25 MPH over the speed limit-\$100; (6) driving ≥ 26 to ≤ 30 MPH over the speed limit-\$125; (7) driving ≥ 31 to ≤ 35 MPH over the speed limit-\$150; and, (8) driving > 35 MPH over the speed limit-\$200. 66-8-116(A)

The following additional fees are assessed: A fee of \$10 to cover local government corrections costs; a fee of \$10 to cover the costs of court automation; a fee of \$10 to cover the costs of traffic education and enforcement; a fee of \$1 to fund judicial education; and, a fee of \$5 which is deposited into the brain injury services fund. 66-8-116.3

Point System. I. An offender's license is suspended for not more than 3 months if they accumulate between 7 and 10 points within 1 year. 66-5-30(A)(11) & Title 18 NMAC 19.5.11.5 However, they are subject to a 12 month suspension if they accumulate 12 or more points within 12 consecutive months. Title 18 NMAC 19.5.11.6 The following points have been assigned for speeding or speed related violations: Speeding ≥ 26 MPH over the speed limit-8 points; reckless driving-6 points; racing a vehicle-6 points; speeding 16 to 25 MPH over the speed limit-5 points; speeding 6 to 15 MPH over the speed limit-3 points; careless driving-3 points; and, not proceeding at the normal speed of traffic except when driving in the right lane-3 points. Title 18 NMAC 19.5.11.3 Note: The point schedule does not assign points driving at such a speed as to impede traffic.

Exception. Except on highways with 75, 35 or 15 MPH speed limits, the licensing agency cannot suspend an offender's license for a speeding violation unless the offender is driving > 75 MPH. 66-7-302.1

Withdrawal: **None** Note: An offender is eligible for limited driving privileges for educational or employment purposes. 66-5-35 and Title 18 NMAC 19.5.13

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway: Misdemeanor 66-8-115(A) & (D)
Sanctions:
Criminal Sanction:
Imprisonment (Term): Not more than **90 days** 66-8-7(B)
Mandatory Minimum Term: **None**
Fine (\$ Range): Not more than **\$300** 66-8-7(B)
Mandatory Minimum Fine: **None**

Administrative Licensing Action:
Licensing Authorized and
Type of Action: **Suspension** via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving⁷ 66-5-30(A)(3) & (4)

Length of Term of
Licensing Withdrawal: Not more than **1 year** 66-5-32(A)
Mandatory Action--Minimum
Length of License
Withdrawal: **None** Note: An offender is eligible for limited driving privileges for employment purposes. 66-5-35

Other:
Reckless Driving: Misdemeanor 66-8-7(A) & 66-8-113(A)

Sanction:
Criminal:
Imprisonment (Term): 1st offense-5 to 90 days Subsequent offense-10 days to 6 months
66-8-113(B)

Mandatory Minimum Term
of Imprisonment: **None**
Fine (\$ Range): 1st offense-\$25 to \$100 Subsequent offense-\$50 to \$1,000 66-8-113(B)
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev): **Suspension** 66-8-113(C) **Revocation** for 3 offenses within 12 months 66-5-29(A)(7)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Length of Term of License
Withdrawal Action: **Suspension**-Not more than **90 days** 66-8-113(C) **Revocation** for 3 offenses within 12 months-**1 year** 66-5-29(B)

Mandatory Term of License
Withdrawal Action: **None** Note: An offender is eligible for limited driving privileges for

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employment purposes. 66-5-35

Other:

Suspension is also possible via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving.⁷ 66-5-30(A)(3) & (4)

Careless Driving⁹:

Misdemeanor 66-8-114(A) & (B)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **90 days** 66-8-7(B)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

Not more than **\$300** 66-8-7(B)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving⁷ 66-5-30(A)(3) & (4)

Length of Term of License

Withdrawal Action:

Not more than **1 year** 66-5-32(A)

Mandatory Term of License

Withdrawal Action:

None Note: An offender is eligible for limited driving privileges for employment purposes. 66-5-35

Other:

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. 66-5-68(E)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** 66-5-68(E)

The offense of "careless driving" includes either (1) operating a vehicle without giving "full time and entire attention" to vehicle operation or (2) operating a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, other and road conditions and other attendant circumstances." 66-5-30(A) & (B)

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 66-1-4.3(K)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 66-5-54(C)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** 66-5-68(E)

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SPEED LAWS IV